

REMARKS

Applicant respectfully requests a one month extension of time for responding to the Office Action. Please charge the fee of \$110. for the extension of time to Deposit Account No. 10-1250.

Claims 3, 16, and 19 - 55 are now in this application. Previous claims 3 and 16 were held to contain allowable subject matter. Previous claims 1 - 2, 4 - 15, and 17 - 18 were rejected. Claims 1 - 2, 4 - 15, and 17 - 18 are canceled herein. New claims 19 - 55 are added. Claims 3 and 16 are amended herein to place claim 3 in independent form, incorporating all of the limitations of previous claim 1. Minor amendments are made to claim 16, however, claim 16 may remain in dependent form, depending from claim 3. Claim 3, as amended herein, should now be in allowable form. Claim 16, as amended herein, should also be allowable as depending from now-allowable claim 3. New claims 19 - 55 are added to more particularly point out and distinctly claim the subject matter regarded by the applicants to be the invention, and to clarify the claiming of subject matter previously recited in claims 1 - 18.

Applicants affirm that the subject matter of all of the pending claims was jointly discovered by all of the applicants at the time the invention was made.

In the Office Action, claims 1, 4, 6, 8, 9, 10, 11, 13 and 17 were rejected under 35 U.S.C. 103 (a) as being unpatentable for obviousness over UK Patent

Application GB 2,131,740 to Senninger ("Senninger"), in view of U.S. Patent No. 5,368,943 to Baghdachi et al ("Baghdachi").

The Examiner has contended that Senninger discloses providing first and second base material layers having identical composition; providing an active substance as a flowable medium; applying the active substance onto either one or both of the base material layers; and placing the first and second base material layers in contact with the coated active material disposed therebetween and irreversibly joining or bonding the two layers together, as recited according to previous claim 1. The Examiner, however, recognized that Senninger does not disclose an active substance viscosity, a coating pressure, or a "maturation"/storage step as required by applicants according to previous claim 1.

New claims 19 - 55 are believed to patentably distinguish over Senninger. The language of the new claims is believed to more clearly set forth , particularly point out, and distinctly claim the subject matter which applicants regard as the invention. Accordingly, new claims 19 - 55 are believed to patentably distinguish over Senninger and to render moot the Examiner's rejection in view of that reference.

In the Examiner's previous rejection of prior claim 1 over Senninger in view of Baghdachi, the Examiner relied on disclosure in Senninger that the active substance in flowable form according to Senninger may include a polyurethane

resin intermixed with an ethylacetate solvent; in combination with very narrow and specific disclosure in Baghdachi relating to polyurethane polymer compositions having a polyurethane intermixed with an ethylacetate solvent to form highly liquid coating compositions, having a **low enough** (emphasis supplied) viscosity (of around 100 - 500 cp) for application by brushing or spraying to automotive windshields as a uniform coating layer of a primer coating to improve effectiveness of adhesive sealants used to adhere the windshield to the automotive body, as standing for the proposition that it would have been obvious to a person of ordinary skill in the art at the time the present invention was made, to provide that the active agent liquid utilized in Senninger have a viscosity of at least 1000 mP •s, as required by applicants' invention.

Applicants respectfully and strenuously disagree with the Examiner's analysis and conclusions and traverse the Examiner's 35 U.S.C. 103 (a) based rejection.

First, it is respectfully pointed out that Baghdachi is an inapposite reference. There is noting in Baghdachi, which, as stated above, relates to compositions for use as primer coatings for automotive windshields to improve the effectiveness of adhesive sealants used to adhere the windshield to an automotive body that relates to the field of art of the present invention, relating to a process for making a laminar material comprising a matrix material capable of absorbing

and releasing an active ingredient, for use as a delivery system for biocides, medicaments, etc. There is nothing in Baghdachi that would cause a person of ordinary skill in the art pertaining to the field of invention of the invention of the present application at the time the present invention was made, that would cause such person to consider Baghdachi as being in any way relevant to determining an appropriate range of viscosities of flowable substances containing active ingredients to be deposited onto one or both matrix base layers of the articles made according to the method of the present application, as recited according to the claims of the present application (original, amended, and/or new), other than, perhaps, the fact that Baghdachi coincidentally happens to mention use of a certain chemical compound also used by Senninger. That chemical compound is ethylacetate, which appears to be used in Senninger as a solvent for the active ingredient solution which also contains a number of pesticides. Senninger does not appear to use polyurethane, and applicants do not specifically teach the use of polyurethane as a suitable material for the matrix base layers used in the process of the present invention. Senninger utilizes an ethylene vinyl acetate polymer film as one layer and polyethylene as the other layer in its articles. Applicants teach the use of ethylene vinyl acetate copolymers as one embodiment of material for the identical matrix base layers used in the method of the present invention. Applicants do not specifically teach the use of polyethylene for the matrix base layers.

As previously pointed out by applicants' attorneys in previous remarks submitted in response to earlier office actions in the case, which responses are hereby reiterated with the same force, Senninger thus does not require that the two layers, assumed *arguendo*, but not admitted, to correspond to the matrix base layers used in the process of the present application, are not required to be identical, as in the claimed process of the present application. Applicants specifically state that this is an essential aspect of the present invention (application at page 11, last paragraph).

Another distinction between Baghdachi and the present application is that in Baghdachi, the polyurethane and ethylacetate composition that the Examiner relies on for suggesting the viscosity level used for the flowable substance in the process of the present application is a solution wherein individual particles of the polyurethane block copolymer obtained by grinding or milling or some other known method, and having a particle size of 5 - 40 microns (μm), constitute the solute of the solution wherein the ethylacetate is one embodiment of the solvent thereof (col. 3, lines 40 -55). This is completely different from the situation of the present application wherein the block copolymer is used to form sheets of the matrix base layers.

Moreover, if anything, Baghdachi teaches away from the teaching of applicants in the present application. Baghdachi requires the use of a solution as

a coating composition having a sufficiently low viscosity of 100 - 500 cps (100 - 500 mPa •s), in order to be able to uniformly, evenly and completely coat the windshield surface to which the composition is applied.

In contrast, applicants teach that the flowable substance containing the active ingredient used according to the process of the present application must have a viscosity that is **at least** 1000 mPa •s (1000 cps). For active ingredients in liquid form that have lower viscosities, applicants teach the use of viscosity increasing agents.

In contrast to Baghdachi where a low viscosity is desirable to permit uniform, even flow of the solution over the windshield surface to which it is applied, applicants require that the viscosity of the flowable substance containing the active ingredient be sufficiently high so as to prevent the substance from flowing or running (“bleeding”) on the surface of the matrix base layer to which it is applied (step d) before the two matrix base layers are sandwiched together (step e), and/or prevent the flowable substance from being squeezed out from between the two matrix base layers when pressure is applied thereto (step f).

Therefore, Baghdachi favors the use of a lower viscosity solution, whereas applicants propound the use higher viscosity substances in the process of the present application.

The viscosity values disclosed in Baghdachi are only 10% (100 cp = 100 mPa•s = 10% of 1000 mPa•s) to 50 % (500 cps = 500 mPa •s = 50% of 1000 mPa •s) of the minimal value established by applicants, so it can hardly be suggested that the use of a viscosity of 1000 mPa•s or greater, as taught by applicants, is taught by or would be obvious from Baghdachi.

For all of the foregoing reasons, it is respectfully submitted that the process of the present application, as recited according to the original, previously amended, and/or new claims, is not obvious over Senninger in view of Baghdachi. Accordingly, it is respectfully requested that the Examiner withdraw that rejection.

In the Office Action, claims 7, 12, 14, 15 and 18 were rejected under 35 U.S.C. 103 (a) as being unpatentable for obviousness over Senninger and Baghdachi in further view of U.S. Patent No. 4,666,767 (listed by the Examiner in the Office Action as 4,693,393) to Von Kolhorn et al for Dispensers for the Controlled Release of Pest Controlling Agents and Method for Combatting Pest Therewith (sic). US 4,693,393 is a patent to DeMinco et al for Fuel Vapor Storage Canister Having Tortuous Vent Passage. It is assumed the Examiner somehow indicated the wrong patent number, but intended Von Kolhorn '767.

The Examiner has stated that Senninger in combination with Baghdachi do not disclose the application of the flowable substance containing the active ingredient continuously or in a pattern such as stripes,

Although Von Kolhorn '767 discloses articles for the controlled delivery of pest controlling substances, wherein the pest control agent is applied to a surface in a pattern, such as stripes, it is respectfully submitted that for the reasons set forth above distinguishing the process of the present application from Senninger and Baghdachi, the claims presently pending in the present application patentably distinguish over Senninger and Baghdachi in further view of VonKolhorn, because even if a person of ordinary skill in the art at the time the present invention was made would know to apply a flowable substance to a base layer in a striped pattern according to VonKolhorn, doing so to the articles disclosed in Senninger, either alone, or as further having a flowable substance of specified viscosity as disclosed by Baghdachi, the result would still be different from the method taught by applicants according to the present application, as recited according to any of the claims presently in the application.

Accordingly, it is respectfully requested that the 35 U.S.C. 103 (a) based rejections of previous claims 7, 12, 14, 15 and 18 under Senninger and Baghdachi in view of VonKolhorn be withdrawn and that all new and amended claims presently pending in the application be found allowable thereover.

Claims 3, 16, and 19 -54 represent a total of 38 claims, including 2 independent claims (claims 3 and 19).

Eighteen (18) claim(s) in excess of twenty are added. Accordingly, please charge the fee of $38 \times \$18. = \684 to Deposit Account No. 10-1250.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited. Please charge any deficiency or credit any overpayment to Deposit Account No. 10-1250.

Respectfully submitted,

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